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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,165	10/16/2003	James Goodman	2037.2022-002	6817
21005	7590	05/20/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			TAN, VIBOL	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,165

Applicant(s)

GOODMAN, JAMES

Examiner

Vibol Tan

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,10,12,13,16,17,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,7,8,11,14,15,18,19 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6, 9, 10, 12, 13, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by McClure (U. S. PAT. 5,493,532).

In claim 1, McClure teaches all claimed features in Fig. 1 an apparatus for processing or storing secure data comprising: a secure port (W) for transmitting and receiving secure data (W); a test port (Ax) for transmitting and receiving test data (Ax); and a test mode entry circuit (24) that causes entry of the apparatus (2) into a test mode (inherent), the test mode entry circuit operable for a predetermined time period (inherent, a time it takes 24 to operate).

In claim 4, McClure further teaches the apparatus of claim 1 wherein the predetermined time period commences approximately coincident (the predetermined time period starts at the same time as soon as power is on) to when power is applied to the apparatus.

In claim 6, McClure further teaches the apparatus of claim 1 wherein the test mode entry circuit (24) is coupled to the test port (Ax) and entry into the test mode is dependent on test data (Ax) received through the test port within the predetermined time period.

In claims 9 and 10, McClure further teaches the apparatus of claim 1 further comprising memory (10) for storing the secure data; and wherein the memory is non-volatile (inherent).

Method claim 12 corresponds to detailed circuitry already discussed similarly with regard to claim 1.

In claim 13, McClure further teaches the method of claim 12 further comprising the step of performing diagnostic functions while the apparatus is in the test mode (special tests such as stress tests and long write cycle disturb test).

Method claims 16 and 17 correspond to detailed circuitry already discussed similarly with regard to claims 4 and 6.

Method claims 20 and 21 correspond to detailed circuitry already discussed similarly with regard to claims 9 and 10.

3. Claims 2, 3, 5, 7, 8, 11, 14, 15, 18, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The newly applied reference of McClure anticipates all claimed features of claims 1, 4, 6, 9, 10, 12, 13, 16, 17, 20 and 21 under 35 U.S.C. 102(b), as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vibol Tan whose telephone number is (571) 272-1811. The examiner can normally be reached on Monday-Friday (7:00 AM-4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike J. Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**VIBOL TAN**  
**PRIMARY EXAMINER**